G. R. S. IX-5]

Reserve

Previous references.

File No. 232-18

1918.

Serial Nos. 142

(685)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for May 19.

SUBJECT.

Advance to meet the incidental charges in connection with an application made under the Guardian & Wards Regn by the Deputy Commr Dumka.

Secy to the Dy Comr Dumka Dist
" Comptr & Govt
No 2634-8 dy 24-5-19.

Requests the comptroller to place a sum of Rs 100/- at the disposal of the Dy Commr Dumka Dist.

W D 1250—GPB—30,000 - 28-1-19

3/6 Orig 21-6.

G. R. S. III—1] 1918-19

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 232-18

FILE HEADING.

Advance to meet the incidental charges in connection with an application made under the Guardians & Wards Regn- by the D. C, Dumraon Bhagalpore.

From

The Dy Commr., Dumraon

No. O.C 2605 Dated 29-3-1919 Received 2-4-1919

Diary No. 13963	Enclos. Records Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards Mly Asst Sub-Judge B'la's letter stating that he has been asked to procure the necessary stamps & deposit the publication charges in connection with an application made for the appointment of a guardian of the person & property of the minor children of a deceased deceased Govt servant & requests sanction to draw an advance to meet the incidental charges.

NOTES AND ORDERS.

Copy put up

Kind reference is invited to paragraph 2 in page 58 of the Civil Digest

NOTES—First Sheet.

General and Revenue Secretariat.

File No. 232 of 1918.

Serial No.

The rule provides for the record of circumstances where the costs of an application under S. 7 are not allowed by the Court. Nothing is said about the costs of an application under S. 9(2).

Copies put up

2 S. 10 of the Regn. V of 1911 lays down the procedure on admission of application. The service of the notice is to be as to the manner laid down in C.P.C.

3 S. 9(2) lays down that in case of an application by the D. C, it shall be by letter addressed to the court. It is a point for consideration whether stamps are necessary in such a case.

Submd. for orders

8/4 If approved the Govt. Advocate may be consulted

4 Section 9 of the Regulation only prescribes the form in which the Dy Com should make an application for an order under Sec 7, and since para 2 of the Rules on page 58

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 232 of 1918.

Serial No.

of the Civil Digest contemplates the allowance by the Court of the costs of the application to be borne out of the estate, it seems the incidental charges should, in the first instance, be paid by the D.C.O.

Ass. 574 3) S. 9(2) of the Reg.n clearly states that the D.C's letter may be treated as an appn.

There is no reason why Court notice (ie arrears stamps) & processes shd not be issued in such cases.

(With two books)

4) Forwarded with Compliments to the Govt Advocate for favour of opinion

By O.
Mahadevappa
for Chief Secy
18/11/19

DCO. No. 68-18
Protection
D. 21.4.19
No. Rg 95/18-19
25/4/19
679/19

7) Under the provisions of the Guardian & Wards Regulation the Comm.r who applies to the Court under Section 9 clause (2) is in much the same position as that of any private party, except that the former has a few more privileges than the latter, as clearly stated in the

25/4/19

NOTE—Contn. sheet.

Please put up with G. file & cross ref.
W. 26/4

Serial No.

the Regulation itself. There is no provision Exempting the Dy. Com^r from payment of the Expenses such as process fee, batta, publication charges, etc.

6) As a clear provision is made, in Section 48, for orders being passed regarding costs and as there is no Exemption in favour of Dy. Com^rs as stated above, I am afraid he is bound to produce the requisite process fee etc from some source or other.

9) If the D.C. is ahead in point of any funds belonging to the minors he is at liberty to produce the same in Court & obtain the Court's permission to utilize such portion of it as may be necessary for incurring such Expenditure. Otherwise he will have to make some other arrangements for finding the same.

W. Marburton
Government Advocate
24-4-19.

G. R. S. III-2]

General and Revenue Secretariat. | C/S File No. 932 of 1918.

Serial No.

10 Subd with a draft order directing a sum of Rs.100/- to be placed at the disposal of the D.C Guntur, for approval or other order.

8/7
7/5
7/5

11) Subd with a draft order on the lines of the Govt Addl Office

D. M. 15/5.

1569
16.5.19

I Member.

18/5 D. M. 19/5.

Subd for orders as to whether the draft in the file, approved by the member, may be issued

yes - may issue
D. M. 19/5

2 2

The D.C. Guntur Dist
" Comptroller to Govt

Lr. No. 26378 dt 24.5.19
Requests the Comptroller to place a sum of Rs.100/- at the disposal of the D.C. Guntur Dist.

17 JUN 1919

NOTE—Contn. sheet.

Office of the Deputy Commissioner,

Tumkur District,

Dated Tumkur, 27th March 1919.

From

A. Subramanya Iyer, Esq., B.A.,

Deputy Commissioner, Tumkur District.

13963.

To

C.S. Balasundaram Iyer, Esq., B.A.,

Chief Secretary to Government of His Highness

the Maharaja of Mysore, BANGALORE.

Sir,

I have the honour to state that on a reference being made under Section 9 (2) of the Guardian and Wards Regulation, to the District Judge, Bangalore, in the matter of appointing a guardian to look after the properties and the minor children of a dancing girl who died of plague in September last in Tumkur Town, he has requested this office to produce the necessary stamps and to deposit the publication charges. On a further reference being made to him to show the provision of Law under which the Deputy Commissioner has to meet these charges, he says that he is not aware of any rule exempting a Deputy Commissioner from producing the necessary stamps and depositing the publication charges.

2 I am not aware of any law under which the Deputy Commissioner should produce the necessary stamps etc.

3 If however the Government should think that the Deputy Commissioner should arrange to meet the incidental charges in the first instance, I request that you may be so good as to obtain the sanction of Government authorising me to draw the amount required as an advance subject to adjustment in the manner that might be decided by the District Judge later on.

4 The District Judge suggests that the amount might be

1918-19.

From

The Deputy Commissioner,

Tumkur District, T u m k u r.

To

The Chief Secretary to Government of

H.H. the Maharaja of Mysore,

B a n g a l o r e.

Dated 27th March 1919.

Despatched 29/3.

Received

General No. Oc. 2603 & 2604 65026

No.

Enclosure No. one file

Requests sanction of Government to draw as an advance the amount of charges required for appointing a guardian in a certain case under the Guardian and Wards Regulation.

31-3-19

5-4-19

be paid from the office permanent advance in the first instance but the permanent advance of this office does not admit of any portion of it being made available for the purpose.

5. The file of papers on the subject is herewith submitted for reference and return.

I have the honour to be,

S i r,

Your most obedient servant,

DEPUTY COMMISSIONER,
Tumkur District.

D.N.

dcs

G.R.S. VI-71]

SUBJECT Grant of an advance to the D. C. Dumkur, to meet the incidental charges in connection with an application under the Guardian & Wards Regn

Diary No. of letter replied to.....

Section C5
File No. 232-14
Serial No. 2

General and Revenue Secretariat

( )

, the 191

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 24/5/19

Signed by M. Rice

Read— Letter no O. C. 2605-07 $\frac{23}{29}$ - 3-1919 from the Dy. Commr, Dumkur stating that he has been required to produce the necessary steps & deposit the publication charges in the matter of appointing a guardian of the property of the minor children of a deceased clerk

Order Thereon No.

girl, and requesting sanction to draw the required amount as an advance subject to adjustment in the manner that might be decided by the Dt. Judge later on.

By the District Judge, Bangalore

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Cashier No. 263478 One file

~~Copy of the letter~~

To The Comptroller
is requested to place a
sum of Rs 100 at the
disposal of the Dr. C
Sumtur Dt., to meet
the incidental charges
connected with ~~the~~ his
application for the
appointment of a guardian
in mis. Case No 28 of 18-19
on the file of the Dt. Judge
Bangalore, ~~Objection~~
~~Statement~~

1857

Chief Secy to Govt.

Pm
15/5/19

List of enclosures.

To

The Dr. C. Sumtur Dt., returning the enclosures
Comptroller to Govt.

Copied by

Examined by

867
17/5/19

WD 1744—GPB—30,000—17-3-19